

M.V. Leelavathi
v.
Dr. C.R. Swamy @ Dr. C.R. Kumara Swamy
(Civil Appeal No(s).10684-10685 of 2025)
18 August 2025
[Vikram Nath* and Sandeep Mehta, JJ.]

Issue for Consideration

The Family Court awarded Rs.15,00,000/- as permanent alimony, which was upheld by the High Court.

Headnotes[†]

Hindu Marriage Act, 1955 – Decree of divorce – Permanent alimony – The Family Court granted a decree of divorce and awarded Rs.15,00,000/- as permanent alimony – The High Court upheld the grant of divorce on the ground of cruelty and held that the Rs.15,00,000/- awarded as alimony by the Family Court was appropriate – Correctness:

Held: Decree of divorce affirmed – Determination of alimony requires consideration of multiple factors – It is evident from the material on record that the respondent has the capacity to pay a higher amount than that awarded by the Family Court – At the same time, although the appellant claims to be unemployed, she is highly qualified and has the ability to earn and sustain herself – She is not in a state of acute economic deprivation – A balanced approach, weighing the respondent's capacity and the appellant's needs, must therefore be adopted – Considering the evidence on record, this Court finds it just and equitable to enhance the permanent alimony to Rs.50,00,000/- as a one-time settlement – This amount will reasonably secure the appellant's future and ensure a standard of living commensurate with her circumstances. [Paras 9, 10]

List of Acts

Hindu Marriage Act, 1955.

* Author

M.V. Leelavathi v. Dr. C.R. Swamy @ Dr. C.R. Kumara Swamy**List of Keywords**

Permanent alimony; Determination of alimony; Capacity to pay higher amount; Ability to sustain; Ability to earn; Economic deprivation; Educated; Highly qualified; Enhancement of permanent alimony; Adoption of balance approach.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 10684-10685 of 2025

From the Judgment and Order dated 18.11.2022 of the High Court of Karnataka at Bengaluru in MFA No. 3747 of 2015 and MFA No. 2483 of 2022

Appearances for Parties

Advs. for the Appellant:

Shanthkumar V.Mahale, Sr. Adv., Madhvendra Singh, Ms. Anuradha Bhat, Ms. Adveetiya Sharma, Harisha S.r.

Advs. for the Respondent:

Mrigank Prabhakar, Ms. Sakshi Banga, Siddharth Sahu.

Judgment / Order of the Supreme Court**Judgment**

Vikram Nath, J.

1. Leave granted.
2. These appeals arise from the common order dated 18.11.2022 passed by the High Court of Karnataka at Bengaluru in M.F.A. No.3747/2015 (FC) and M.F.A. No.2483/2022 (FC). The appellant-wife is before this Court as the High Court has upheld the decree of divorce granted by the Family Court and confirmed the amount of Rs.15,00,000/- awarded as permanent alimony.
3. The brief facts giving rise to the appeals are as follows:
 - 3.1. The appellant-wife and the respondent-husband were married on 27.02.2009. The respondent pursued higher studies in Chandigarh, where the appellant joined him in December

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2009 and stayed until July 2010. The appellant claims to have financially supported the respondent during this period. The marriage is childless.

- 3.2. On 15.06.2011, the respondent filed a petition under Section 13(1)(a) of the Hindu Marriage Act, 1955¹ seeking dissolution of marriage on the ground of mental cruelty.
- 3.3. The appellant filed objections to the petition along with a counterclaim under Section 23(1)(a) of the HMA seeking restitution of conjugal rights.
- 3.4. In 2014, the appellant moved I.A. No.3 under Section 24 HMA seeking maintenance. The Family Court, by order dated 02.08.2013, awarded her Rs.10,000/- per month. Dissatisfied, she filed Writ Petition No.46786/2013, whereupon the High Court, by order dated 12.09.2014, enhanced the amount to Rs.25,000/- per month.
- 3.5. By order dated 25.04.2015, the Family Court granted a decree of divorce and awarded Rs.15,00,000/- as permanent alimony.
- 3.6. Aggrieved, the appellant filed M.F.A. No.3747/2015 to set aside the divorce decree, and M.F.A. No.2483/2022 against dismissal of her counterclaim. The respondent filed M.F.A. No.5015/2015 challenging the quantum of alimony.
- 3.7. By the impugned order, the High Court dismissed all three appeals. It upheld the grant of divorce on the ground of cruelty, noting that while the wife expressed willingness to resume marital life, the husband was unwilling. The Court observed that the husband, a doctor by profession, and the wife, a qualified engineer now practising as an advocate, were both capable individuals, and held that the Rs.15,00,000/- awarded as alimony by the Family Court was appropriate.
- 3.8. The appellant-wife has preferred the present appeals.
4. We have heard learned counsel for the parties.
5. Notice in these appeals was issued only on the question of alimony.

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6. The Family Court awarded Rs.15,00,000/- as permanent alimony, which the High Court upheld. We directed both parties to file affidavits disclosing their income and liabilities to enable assessment of all relevant factors.
7. The respondent is a doctor earning approximately Rs.1,40,000/- per month from his employment. The appellant holds an M.Tech (Computer Science) and an LL.B. degree. She claims to be presently unemployed.
8. The respondent has produced his Income Tax Returns reflecting a taxable income of around Rs.1.4 lakhs per month, along with his bank statements. The appellant asserts that in the year 2010, the respondent purchased property in his own name.
9. Determination of alimony requires consideration of multiple factors. It is evident from the material on record that the respondent has the capacity to pay a higher amount than that awarded by the Family Court. At the same time, although the appellant claims to be unemployed, she is highly qualified and has the ability to earn and sustain herself. She is not in a state of acute economic deprivation. A balanced approach, weighing the respondent's capacity and the appellant's needs, must therefore be adopted.
10. Having considered the submissions and the evidence on record, we find it just and equitable to enhance the permanent alimony to Rs.50,00,000/- as a one-time settlement. This amount will reasonably secure the appellant's future and ensure a standard of living commensurate with her circumstances.
11. The amount of Rs.50,00,000/- shall be paid in five equal monthly instalments as follows:
 - First instalment of Rs.10,00,000/- on or before 30.09.2025
 - Second instalment of Rs.10,00,000/- on or before 31.10.2025
 - Third instalment of Rs.10,00,000/- on or before 30.11.2025
 - Fourth instalment of Rs.10,00,000/- on or before 31.12.2025
 - Fifth instalment of Rs.10,00,000/- on or before 31.01.2026
12. The appellant shall furnish her bank account details to the respondent for the above payments.

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13. In view of the above, the appeals are partly allowed. While affirming the decree of divorce, we modify the High Court's order to the extent that the permanent alimony payable to the appellant-wife shall be Rs.50,00,000/- as a one-time settlement. All claims arising from the marriage and the present litigation shall stand fully and finally settled.
14. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals Partly allowed.

†Headnotes prepared by: Ankit Gyan